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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,178	06/18/2001	Hiroshi Ikeda	1614.1171	8007

21171 7590 10/04/2005

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2161

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,178

Applicant(s)

IKEDA ET AL.

Examiner

Haythim J. Alaubaidi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/882,178.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is a Final Office Action in response to the amendment of July 11, 2005.
2. Claims 1-13, 15-19 and 21-22, are presented for examination following the amendment of July 11, 2005 of which Claims 1, 7, 8, 11, 12, 13 and 15-19 are independent claims.
3. The Examiner acknowledges the amendments to Claims 1-13, 15-19 and 21-22 to overcome the 101 and 112 rejections. Hence, all 101 and 112 rejections are hereby withdrawn.

Priority

4. Applicant's claim for foreign priority under 35 U.S.C. §119(a)–(d) is acknowledged and therefor accorded the benefit of the earlier filing date of June 19, 2000.

Response to Arguments

5. Applicant's arguments filed with the amendment of July 11, 2005 have been fully considered but they are not persuasive.
 - a. Applicant arguments with respect to Claim 11, that Dahod does not teach "providing information suitable for a service type by changing a search region for each service type". The Examiner however disagrees. Dahod teaches providing

information suitable for a service type by changing a search region (Dahod, Col 5, Lines 51-56; see also Col 6, Lines 29-34);

b. Applicant arguments with respect to Claims 12, 17 and 19-22, that Fano does not teach registering a home address and a proximal station. The Examiner however disagrees. Fano teaches registering a home address¹(Col 29, Lines 26-31; see also Col 30, Lines 24-39) and a proximal station² (Col 30, Lines 24-39);

c. Applicant arguments with respect to Claim 17, that Fano does not teach, "Storing information indicating the current location as a move history". The Examiner however disagrees. Fano discloses "Storing information indicating the current location as a move history" (Col 40, Lines 4-7, i.e. history of the user interactions and current real-time situation including "who, where, and when");

d. Applicant arguments with respect to Claims 15-16, that Correia does not teach, the moved distance of a user and changing a search condition based on the moved distance. The Examiner however disagrees. Please see Correia (figure 4 and corresponding text, see also Element 430, i.e. distance);

¹ Please note that the Examiner is interpreting this home address to be either the home resident address of the user or the current location of the user as of where he/she currently is.

² Please note that the Examiner is interpreting the proximal station as a range according to the specification of the current application (see page 5, Line 32 through Page 6, Line 4).

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e. Applicant arguments with respect to Claim 13, that Fano does not teach changing a search condition based on a moving speed of a user. The Examiner however disagrees. Fano teaches changing a search condition based on a moving speed of a user, please see Fano, (Col 47, Lines 20-56; specifically Col 48-50, i.e. closest store; see also Col 40, Lines 9-12, i.e. fast)³;

f. Applicant arguments with respect to Claim 18, that there is no suggestion to combine the references of Monde and Fano, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge generally available to one of ordinary skill in the art is the ability to priorities criteria based on certain conditions, such criteria would be "travel" and the condition would be the weather. Limiting, specifying or prioritizing a criteria would not render the claim allowable nor would it rise to the level of patentability.

³ Please note that the combination of the "fast" and the "closest" reads on the limitation of "a moving

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 11, is rejected under 35 U.S.C. 102(e) as being anticipated by Shabbir M. Dahod (U.S. Patent No. 6,574,608 and Dahod hereinafter).

Regarding Claim 11, Dahod discloses providing information suitable for a service type by changing a search region (Col 5, Lines 51-56; see also Col 6, Lines 29-34).

8. Claims 12, 17 and 19-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claim 12, Fano discloses:

registering a service region for each shop providing a service to an individual user (Col 47, Lines 23-38);

speed of the user".

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registering a home address⁴(Col 29, Lines 26-31; see also Col 30, Lines 24-39) and a proximal station⁵ (Col 30, Lines 24-39) so as to retrieval information available in a predetermine range of the home address (Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news⁶)⁷; and

searching shops based on the service region, so that information related to one shop is not retrieved in said when the registered service region of the one shop, is out of a search region (Col 47, Lines 48-56).

Regarding Claims 17, 21 and 22⁸, Fano discloses:

obtaining a current location of a user (Figure No. 27 and corresponding text, i.e. you are here);

⁴ Please note that the Examiner is interpreting this home address to be either the home resident address of the user or the current location of the user as of where he/she currently is.

⁵ Please note that the Examiner is interpreting the proximal station as a range according to the specification of the current application (see page 5, Line 32 through Page 6, Line 4).

⁶ Please note that the local news are being delivered base on the user profile information relating to his/her location (range).

⁷ Please note that the claim language contains the "at least one" which allow the Examiner to select one of the two predetermined ranges; and even if the Applicant amended the claim to include both limitations, then the Examiner would like to bring the Applicant attention to the situation of Fano (Col 47, Lines 20-30, i.e. nearby stores; and see also 75-100 feet (range).

⁸ Please note that both limitations of Claim 21 and 22, "change the search condition to search for daily life information" and "change the search condition to search for information corresponding to the current

move history (Col 40, Lines 4-7);

changing a search condition based on the move history (Col 40, Lines 4-7, i.e. history of the user interactions and current real-time situation including "who, where, and when"); and

determining the current location of the user is a place for the user to commute when the current location has not been changed for predetermined period (Figure No. 27 and corresponding text, i.e. you are here; see also Col 47, Lines 40-45, i.e. before leaving on a shopping trip).

Regarding Claim 19, Fano discloses a defining part defining a plurality of places as a single region; and (Col 47, Lines 21-22 and 24-25); and

a registering part registering said single region to said member information database (Col 47, Lines 48-56).

9. Claims 15-16, are rejected under 35 U.S.C. 102(e) as being anticipated by John J. Correia (U.S. Patent No. 6,424,912 and Correia hereinafter).

Regarding Claim 15, Correia discloses providing information suitable for a moving direction of a user by changing a search condition based on the moving direction (figure 4 and corresponding text, see also Element 430, i.e. vehicle direction).

location" respectively are interpreted by the user to be the same and are broad enough to read on Fano's

Regarding Claim 16, Correia discloses providing information suitable for a moved distance of a user by changing a search condition based on the moved distance figure 4 and corresponding text, see also Element 430, i.e. distance).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-10, are rejected under 35 U.S.C. 103(a) as being unpatentable by Shabbir M. Dahod (U.S. Patent No. 6,574,608 and Dahod hereinafter) in view of Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claims 1 and 7, Dahod discloses,
a member (buyer) information database managed in said center site (home page of Figure 4; see also the image copy of the website for "www.iwant.com") and storing member information (Figure 1 and corresponding text; see also Figure 4 and 5);
wherein: said member information database stores the member information obtained through said center site (figure 4 and 5 and corresponding text);

reference as a current location (Figure No. 27 and corresponding text, i.e. you are here).

Dahod's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate that the member information includes a home address and a proximal station when the member information is registered to a database; nor does the reference discloses the retrieval of information available in a predetermine range of the home address. However, Fano discloses that the member information includes a home address⁹(Col 29, Lines 26-31; see also Col 30, Lines 24-39) and a proximal station¹⁰ (Col 30, Lines 24-39) when the member information is registered to a database the retrieval of information available in a predetermine range of the home address (Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news¹¹)¹².

Given the intended broad application of the Dahod's system, It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Dahod with the teachings of Fano to include the feature of inquiring about service site relative to the users location or range whether he/she is at

⁹ Please note that the Examiner is interpreting this home address to be either the home resident address of the user or the current location of the user as of where he/she currently is.

¹⁰ Please note that the Examiner is interpreting the proximal station as a range according to the specification of the current application (see page 5, Line 32 through Page 6, Line 4).

¹¹ Please note that the local news are being delivered base on the user profile information relating to his/her location (range).

¹² Please note that the claim language contains the "at least one" which allow the Examiner to select one of the two predetermined ranges; and even if the Applicant amended the claim to include both limitations,

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home, work or a vacation site to save time and effort in data searching also to maximize the filtering procedures of the search by limiting the region of the search and the area of interest for the user.

Regarding Claim 2, Dahod discloses:

when a user accesses one service site of the service sites through said center site, (Dahod, Figure 7, and corresponding text i.e. "if you are buying" see also "if you are selling")

said center site retrieves the member information of the user from said member information database and sends the member information to said one service site (Dahod, figures 11-12 and corresponding text).

Fano discloses including a search range (Fano, Col 48, Lines 47-63; see also Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news).

Regarding Claim 3, Dahod discloses classifying (Figure 7, and corresponding text, i.e. seller or buyer).

then the Examiner would like to bring the Applicant attention to the situation of Fano (Col 47, Lines 20-30,

Regarding Claim 4, the limitations of this claim is similar in scope to both the rejected claims 1 and 2, above. In addition, Dahod discloses member ID (Figures 3,7 and 10, i.e. user name).

Regarding Claim 5, Dahod discloses when a user makes an action at one service site of said plurality of service sites (Figure 6 and corresponding text)

said one service site sends information concerning said action of the user to said center site (Col 5, Lines 59-62).

Regarding Claim 6, Dahod discloses updates the member information of the user in said member information database by using said information concerning said action of the user (Col 7, Lines 29-39, i.e. new posting; see also automatically sends an email).

Regarding Claims 8-10, Fano discloses:

an action information sending part sending information concerning an action of a user to update said member information database when the user performs the action (Figure No. 18 and corresponding text; see also Col 33, Line 64 through Col 34, Line 11);

member information of said member information database is updated (Figure 18 and corresponding text; see also Col 34, Lines 2-9

member information includes a home address¹³(Col 29, Lines 26-31; see also Col 30, Lines 24-39) and a proximal station¹⁴ (Col 30, Lines 24-39) when the member information is registered to a database the retrieval of information available in a predetermine range of the home address (Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news¹⁵)¹⁶.

Fano discloses all of the claimed subject matter set forth above, except it does not explicitly indicate service sites and center cites. However Dahod discloses center site (figure 1 and 3 and corresponding text); and service site (Figure 5 and/or Figure 9 and corresponding text; see also Figure 7, and corresponding text i.e. "if you are buying" see also "if you are selling").

Given the intended broad application of the Fano's system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Fano with the teachings of Dahod to direct the communication

¹³ Please note that the Examiner is interpreting this home address to be either the home resident address of the user or the current location of the user as of where he/she currently is.

¹⁴ Please note that the Examiner is interpreting the proximal station as a range according to the specification of the current application (see page 5, Line 32 through Page 6, Line 4).

¹⁵ Please note that the local news are being delivered base on the user profile information relating to his/her location (range).

¹⁶ Please note that the claim language contains the "at least one" which allow the Examiner to select one of the two predetermined ranges; and even if the Applicant amended the claim to include both limitations,

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through center and service sites as in the Internet with a website (center site) and a plurality of subscribers (sellers and/or buyers) as the service sites in order to provide a system that inexpensively and efficiently connecting buyers and sellers of products and services (Dahod, Col 2, Lines 15-18).

12. Claim 13, is rejected under 35 U.S.C. 103(a) as being unpatentable by Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claim 13, Fano discloses:

creating a search expression passed on each specific institution around a current location of a user (Col 47, Lines 20-56);

providing information corresponding to the specific institution around a current location of a user (Col 47, Lines 20-56);

changing a search condition based on a moving speed of a user (Col 47, Lines 20-56; specifically Col 48-50, i.e. closest store; see also Col 40, Lines 9-12, i.e. fast)¹⁷;

when the user moves, information related to super markets (Figure No. 27, i.e. other stores not showing in the user's view) and stations along a moving direction is excluded (Col 49, Lines 10-35, specifically Line 10 and 25-27; see also, i.e. travel and restrict itself (exclude).

then the Examiner would like to bring the Applicant attention to the situation of Fano (Col 47, Lines 20-30, i.e. nearby stores; and see also 75-100 feet (range).

¹⁷ Please note that the combination of the "fast" and the "closest" reads on the limitation of "a moving speed of the user".

Fano discloses all of the claimed subject matter set forth above, except the reference does not explicitly indicate traveling by train. However, the Examiner takes Official Notice that traveling by train is notoriously well known. Given the intended broad application of Fano's reference, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Fano by indicating a specific type of transportation, for example a train, instead of traveling by foot as implied by Fano to cover a larger geographical area which leads to increasing the system usage by additional users and an increase in the financial benefits.

13. Claim 18, is rejected under 35 U.S.C. 103(a) as being unpatentable by Yasuhiro Monde (U.S. Patent No. 6,356,839 and Monde hereinafter) in view of Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claim 18, Monde discloses
providing information suitable for a weather condition of a user by changing a search condition based on the weather condition (Figure 1, and corresponding text);
weather condition shows a fine day (Figure No. 7 and corresponding text, i.e. fair);
information available in a distance by a car (Figure No. 7 and corresponding text); and
weather condition shows a rain day (Figure No. 7 and corresponding text).

Monde's reference discloses all of the claimed subject matter set forth above, except the reference does not explicitly indicate Information provided on foot at a higher priority, online shopping information, delivery service information at a higher priority.

However, Fano discloses:

Information provided on foot (Col 48, Line 64 through Col 49, Line 9, i.e. walking);

higher priority (Col 14, Lines 5-19, i.e. the results are also ranked);

online shopping information (Figure No. 27 and corresponding text);

delivery service information (Col 1, Lines 45-48; see also Col 33, Lines 54-59); and

higher priority (Col 14, Lines 5-19, i.e. the results are also ranked).

Given the intended broad application of monde's system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Monde with the teachings of Fano to give higher priority (higher score or ranking) to certain type of results based on a condition (such as the weather) and the reason would be to increase the system flexibility or to add convenience to the user by providing extra information that leads to allow the user to make better decisions and to save time.

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14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

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Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at
our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the
Randolph Building at 401 Dulany Street, Alexandria, VA 22314

A handwritten signature in black ink, appearing to read "Haytham J.", is written over a horizontal line.

Patent Examiner
Technology Center 2100
Art Unit 2161

A handwritten signature in black ink, appearing to read "Frantz Coby", is written above the printed name.

FRANTZ COBY
PRIMARY EXAMINER